

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 501**

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**Introduced by Assembly Member Nazarian**

February 20, 2013

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An act to amend Section 25250.51 of the Health and Safety Code, to amend Section 42950 of the Public Resources Code, to amend Sections ~~21100, 34601, and 34622~~ *21100 and 34601* of, and to repeal Section 27314.5 of, the Vehicle Code, and to amend Section ~~10950~~ *10952* of the Water Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 501, as amended, Nazarian. Vehicles.

(1) Existing law prohibits the sale of motor brake friction materials containing specified constituents in excess of specified concentrations. Existing law, however, *until December 31, 2023*, permits motor vehicle manufacturers and distributors, wholesalers, or retailers to sell brake friction materials that are not certified as compliant with that provision *solely for the purpose of depletion of inventories*.

~~This bill would permit motor vehicle manufactures and distributors, wholesalers, or retailers of replacement brake friction materials to continue to offer for sale, or sell, brake friction materials not certified as compliant with that provision for the purpose of, rather than solely for the purpose of, depletion of inventories until a specified date. This bill would also additionally permit motor vehicle dealers to continue to sell or offer for sale brake friction material not certified as compliant with that provision compliant, as specified, if the brake friction material was installed when before the vehicle was acquired by the dealer.~~

(2) Existing law defines tire broker to mean a person that arranges for the shipment of used or waste tires to or from a site located within the state, or through the state, as defined. *Existing law requires a tire broker to submit periodic information to the department on the used or waste tires arranged to be shipped to the tire broker to, from, or through the state.*

This bill would ~~add that~~ *exclude from the definition of a tire broker does not include* a tire retailer primarily engaged in the retail sale, service, and installation of tires on customer vehicles, or a vehicle dealer, as defined.

(3) Existing law authorizes local authorities to adopt rules and regulations regarding regulating advertising signs on motor vehicles parked or left standing on a public street as well as minimum distances that the advertising sign must be moved after a specified time period. Existing law exempts from ~~any minimum distances requirement~~ *local rules and regulations* a license plate frame that is installed, as specified, containing paper advertisements issued by a dealer within the license plate frame or any advertisement on that license plate frame if the license plate frame does not obstruct or impair the reading or recognition of a license plate by an electronic device operated, as specified, or a remote emission sensing device, as specified.

This bill would ~~correct an erroneous cross-reference within this provision~~ *additionally exempt from local rules and regulations a license plate bracket containing any advertisement issued by a dealer if the license plate bracket is installed as specified.*

(4) Existing law requires a dealer, selling or offering for sale any specified used passenger vehicle, except as otherwise provided, to affix a specified notice on the window of the left front door or as specified, and another specified notice on one rear seat lap belt buckle at all times the vehicle is offered for sale and in a specified manner.

This bill would delete that ~~provision~~ *requirement*.

(5) Existing law excludes from the definition of commercial motor vehicle, *for purposes of certain provisions*, specified trucks and truck tractors with a gross vehicle weight rating of less than 26,001 pounds, when used solely to tow specified trailers. *Existing law prohibits a motor carrier of property from operating a commercial motor vehicle on any public highway in this state, unless it has, among other things, registered with the department its carrier identification number, as specified, and holds a valid motor carrier permit issued to that motor carrier by the department.*

This bill would ~~add that~~ *additionally exclude from the definition of commercial motor vehicle specified trucks and truck tractors, with a gross vehicle rating of less than 26,000 pounds, operated singly are excluded from the definition of commercial motor vehicle. This bill would add, as an alternative rather than as an additional requirement, that when the specified truck or truck tractor is towing other solely to tow specified trailers, now including trailers designed to transport watercraft and utility trailers never operated in commercial use, they watercraft. This bill would also be excluded* *exclude from the definition of commercial motor vehicle specified truck and truck tractors, with a gross vehicle weight rating of less than 16,001 pounds, operated singly in noncommercial use.*

~~(6) Existing law prohibits a motor carrier of property from operating a commercial motor vehicle on any public highway in this state unless it meets specified requirements and holds a valid motor carrier permit. Existing law also prohibits a person from contracting with a motor carrier of property unless that motor carrier holds a valid motor carrier of property permit. Existing law excludes from these prohibitions vehicles that are exempt from paying vehicle registration fees.~~

~~This bill would also exclude from those prohibitions vehicles that are owned or leased by an honorary consular officer or a similar official, as well as special construction equipment, special mobile equipment, cemetery equipment, trailer, semitrailer, and logging vehicles.~~

~~(7)~~

~~(6) Existing law requires the State Water Resources Control Board to take appropriate actions to prevent waste or the unreasonable use of water and to make determinations with regard to the availability of recycled water. Existing law requires an in-bay car wash or a conveyor car wash, wash permitted and constructed after January 1, 2014, to either install, use and maintain a water recycling system or to use recycled water provided by a water supplier, as specified. Existing law defines conveyer car wash for these purposes to mean a commercial car wash where the vehicle moves on a conveyor belt during the wash and the driver of the vehicle can remain in, or wait outside of, the vehicle. Existing law exempts a self-service car wash from complying with the former provision.~~

~~This bill would define commercial car wash for these purposes to mean an individual, partnership, corporation, limited liability company, joint venture, or association that is subject to specified employment-related requirements. additionally exempt a business~~

*primarily engaged as a dealer, lessor, or renter, as each is defined, and a business primarily engaged as an automotive repair dealer, as defined, from complying with that former provision, thereby exempting those specified businesses from installing, using, and maintaining a water recycling system that recycles and reuses at least 60% of the wash and rinse water or from using recycled water provided by a water supplier for at least 60% of its wash and rinse water.*

(8)

(7) This bill would make other technical, nonsubstantive, conforming, and clarifying changes.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25250.51 of the Health and Safety Code  
2 is amended to read:

3 25250.51. (a) On and after January 1, 2014, any motor vehicle  
4 brake friction materials containing any of the following constituents  
5 in an amount that exceeds the following concentrations shall not  
6 be sold in this state:

7 (1) Cadmium and its compounds: 0.01 percent by weight.

8 (2) Chromium (VI)-salts: 0.1 percent by weight.

9 (3) Lead and its compounds: 0.1 percent by weight.

10 (4) Mercury and its compounds: 0.1 percent by weight.

11 (5) Asbestiform fibers: 0.1 percent by weight.

12 (b) Motor vehicle manufacturers and distributors, wholesalers,  
13 or retailers of replacement brake friction materials may continue  
14 to sell or offer for sale brake friction materials not certified as  
15 compliant with subdivision (a) *solely* for the purpose of depletion  
16 of inventories until December 31, 2023.

17 (c) ~~Motor~~ *Notwithstanding subdivision (b),* motor vehicle dealers  
18 may continue to sell or offer for sale brake friction material not  
19 certified as compliant with subdivision (a) if the brake friction  
20 material was installed on a vehicle ~~when~~ *before* the vehicle was  
21 acquired by the dealer.

22 SEC. 2. Section 42950 of the Public Resources Code is  
23 amended to read:

24 42950. For purposes of this chapter, the following definitions  
25 apply:

1 (a) “Agricultural purposes” means the use of waste tires as  
2 bumpers on agricultural equipment or as a ballast to maintain  
3 covers or structures at an agricultural site.

4 (b) (1) “Altered waste tire” means a waste tire that has been  
5 baled, shredded, chopped, or split apart. “Altered waste tire” does  
6 not mean crumb rubber.

7 (2) “Alteration” or “altering,” with reference to a waste tire,  
8 means an action that produces an altered waste tire.

9 (c) “Applicant” means a person seeking to register as a waste  
10 tire hauler.

11 (d) “Baled tire” means either a whole or an altered tire that has  
12 been compressed and then secured with a binding material for the  
13 purpose of reducing its volume.

14 (e) “Common carrier” means a “common carrier,” as defined  
15 in Section 211 of the Public Utilities Code.

16 (f) “Crumb rubber” means rubber granules derived from a waste  
17 tire that are less than or one-quarter inch or six millimeters in size.

18 (g) “Repairable tire” means a worn, damaged, or defective tire  
19 that is retreadable, recappable, or regrooveable, or that can be  
20 otherwise repaired to return the tire to use as a vehicle tire, and  
21 that meets the applicable requirements of the Vehicle Code and  
22 Title 13 of the California Code of Regulations.

23 (h) “Scrap tire” means a worn, damaged, or defective tire that  
24 is not a repairable tire.

25 (i) “Tire broker” means a person that arranges for the shipment  
26 of used or waste tires to or from a site located within the state, or  
27 through the state, as that term may be further defined by the  
28 department by regulation. “Tire broker” does not include a tire  
29 retailer primarily engaged in the retail sale, service, and installation  
30 of tires on customer vehicles, or a vehicle dealer, as defined in  
31 Section 285 of the Vehicle Code.

32 (j) “Tire derived product” means material that meets both of  
33 the following requirements:

34 (1) Is derived from a process using waste tires or waste tire  
35 equivalents as a feedstock. A process using waste tires or waste  
36 tire equivalents includes, but is not limited to, shredding, crumbing,  
37 or chipping.

38 (2) Has been sold and removed from the processing facility.

39 (k) “Used tire” means a tire that meets both of the following  
40 requirements:

1 (1) The tire is no longer mounted on a vehicle but is still suitable  
2 for use as a vehicle tire.

3 (2) The tire meets the applicable requirements of the Vehicle  
4 Code and of Title 13 of the California Code of Regulations.

5 (l) “Waste tire” means a tire that is no longer mounted on a  
6 vehicle and is no longer suitable for use as a vehicle tire due to  
7 wear, damage, or deviation from the manufacturer’s original  
8 specifications. A waste tire includes a repairable tire, scrap tire,  
9 and altered waste tire, but does not include a tire derived product,  
10 crumb rubber, or a used tire.

11 (m) “Waste tire generator” or “waste tire generating business”  
12 means a person as defined by Section 40170 whose act or process  
13 produces waste tires as defined in Section 42807, causes a waste  
14 tire hauler to transport those waste tires, or otherwise causes waste  
15 tires to become subject to regulation. “Waste tire generator” or  
16 “waste tire generating business” does not include a person who  
17 transports 10 or fewer waste tires at any one time.

18 SEC. 3. Section 21100 of the Vehicle Code is amended to read:  
19 21100. Local authorities may adopt rules and regulations by  
20 ordinance or resolution regarding all of the following matters:

21 (a) Regulating or prohibiting processions or assemblages on the  
22 highways.

23 (b) Licensing and regulating the operation of vehicles for hire  
24 and drivers of passenger vehicles for hire.

25 (c) Regulating traffic by means of traffic officers.

26 (d) Regulating traffic by means of official traffic control devices  
27 meeting the requirements of Section 21400.

28 (e) (1) Regulating traffic by means of a person given temporary  
29 or permanent appointment for that duty by the local authority when  
30 official traffic control devices are disabled or otherwise inoperable,  
31 at the scenes of accidents or disasters, or at locations as may require  
32 traffic direction for orderly traffic flow.

33 (2) A person shall not be appointed pursuant to this subdivision  
34 unless and until the local authority has submitted to the  
35 commissioner or to the chief law enforcement officer exercising  
36 jurisdiction in the enforcement of traffic laws within the area in  
37 which the person is to perform the duty, for review, a proposed  
38 program of instruction for the training of a person for that duty,  
39 and unless and until the commissioner or other chief law  
40 enforcement officer approves the proposed program. The

1 commissioner or other chief law enforcement officer shall approve  
2 a proposed program if he or she reasonably determines that the  
3 program will provide sufficient training for persons assigned to  
4 perform the duty described in this subdivision.

5 (f) Regulating traffic at the site of road or street construction or  
6 maintenance by persons authorized for that duty by the local  
7 authority.

8 (g) (1) Licensing and regulating the operation of tow truck  
9 service or tow truck drivers whose principal place of business or  
10 employment is within the jurisdiction of the local authority,  
11 excepting the operation and operators of any auto dismantlers' tow  
12 vehicle licensed under Section 11505 or any tow truck operated  
13 by a repossessing agency licensed under Chapter 11 (commencing  
14 with Section 7500) of Division 3 of the Business and Professions  
15 Code and its registered employees.

16 (2) The Legislature finds that the safety and welfare of the  
17 general public is promoted by permitting local authorities to  
18 regulate tow truck service companies and operators by requiring  
19 licensure, insurance, and proper training in the safe operation of  
20 towing equipment, thereby ensuring against towing mistakes that  
21 may lead to violent confrontation, stranding motorists in dangerous  
22 situations, impeding the expedited vehicle recovery, and wasting  
23 state and local law enforcement's limited resources.

24 (3) This subdivision does not limit the authority of a city or city  
25 and county pursuant to Section 12111.

26 (h) Operation of bicycles, and, as specified in Section 21114.5,  
27 electric carts by physically disabled persons, or persons 50 years  
28 of age or older, on the public sidewalks.

29 (i) Providing for the appointment of nonstudent school crossing  
30 guards for the protection of persons who are crossing a street or  
31 highway in the vicinity of a school or while returning thereafter  
32 to a place of safety.

33 (j) Regulating the methods of deposit of garbage and refuse in  
34 streets and highways for collection by the local authority or by  
35 any person authorized by the local authority.

36 (k) (1) Regulating cruising.

37 (2) The ordinance or resolution adopted pursuant to this  
38 subdivision shall regulate cruising, which is the repetitive driving  
39 of a motor vehicle past a traffic control point in traffic that is  
40 congested at or near the traffic control point, as determined by the

1 ranking peace officer on duty within the affected area, within a  
2 specified time period and after the vehicle operator has been given  
3 an adequate written notice that further driving past the control  
4 point will be a violation of the ordinance or resolution.

5 (3) A person is not in violation of an ordinance or resolution  
6 adopted pursuant to this subdivision unless both of the following  
7 apply:

8 (A) That person has been given the written notice on a previous  
9 driving trip past the control point and then again passes the control  
10 point in that same time interval.

11 (B) The beginning and end of the portion of the street subject  
12 to cruising controls are clearly identified by signs that briefly and  
13 clearly state the appropriate provisions of this subdivision and the  
14 local ordinance or resolution on cruising.

15 (l) Regulating or authorizing the removal by peace officers of  
16 vehicles unlawfully parked in a fire lane, as described in Section  
17 22500.1, on private property. A removal pursuant to this  
18 subdivision shall be consistent, to the extent possible, with the  
19 procedures for removal and storage set forth in Chapter 10  
20 (commencing with Section 22650).

21 (m) Regulating mobile billboard advertising displays, as defined  
22 in Section 395.5, including the establishment of penalties, which  
23 may include, but are not limited to, removal of the mobile billboard  
24 advertising display and misdemeanor criminal penalties, for a  
25 violation of the ordinance or resolution. The ordinance or resolution  
26 may establish a minimum distance that a mobile billboard  
27 advertising display shall be moved after a specified time period.

28 (n) Licensing and regulating the operation of pedicabs for hire,  
29 as defined in Section 467.5, and operators of pedicabs for hire,  
30 including requiring one or more of the following documents:

31 (1) A valid California driver's license.

32 (2) Proof of successful completion of a bicycle safety training  
33 course certified by the League of American Bicyclists or an  
34 equivalent organization as determined by the local authority.

35 (3) A valid California identification card and proof of successful  
36 completion of the written portion of the California driver's license  
37 examination administered by the department. The department shall  
38 administer, without charging a fee, the original driver's license  
39 written examination on traffic laws and signs to a person who  
40 states that he or she is, or intends to become, a pedicab operator,



1 and who holds a valid California identification card or has  
2 successfully completed an application for a California identification  
3 card. If the person achieves a passing score on the examination,  
4 the department shall issue a certificate of successful completion  
5 of the examination, bearing the person's name and identification  
6 card number. The certificate shall not serve in lieu of successful  
7 completion of the required examination administered as part of  
8 any subsequent application for a driver's license. The department  
9 is not required to enter the results of the examination into the  
10 computerized record of the person's identification card or otherwise  
11 retain a record of the examination or results.

12 (o) (1) This section does not authorize a local authority to enact  
13 or enforce an ordinance or resolution that establishes a violation  
14 if a violation for the same or similar conduct is provided in this  
15 code, nor does it authorize a local authority to enact or enforce an  
16 ordinance or resolution that assesses a fine, penalty, assessment,  
17 or fee for a violation if a fine, penalty, assessment, or fee for a  
18 violation involving the same or similar conduct is provided in this  
19 code.

20 (2) This section does not preclude a local authority from enacting  
21 parking ordinances pursuant to existing authority in Chapter 9  
22 (commencing with Section 22500) of Division 11.

23 (p) (1) Regulating advertising signs on motor vehicles parked  
24 or left standing upon a public street. The ordinance or resolution  
25 may establish a minimum distance that the advertising sign shall  
26 be moved after a specified time period.

27 (2) Paragraph (1) does not apply to any of the following:

28 (A) Advertising signs that are permanently affixed to the body  
29 of, an integral part of, or a fixture of a motor vehicle for permanent  
30 decoration, identification, or display and that do not extend beyond  
31 the overall length, width, or height of the vehicle.

32 (B) If the license plate frame is installed in compliance with  
33 Section ~~11713.17~~, 5201, paper advertisements issued by a dealer  
34 contained within that license plate frame or any advertisements  
35 on that license plate frame.

36 (C) *If the license plate brackets are installed in accordance with*  
37 *Section 11713.17, any advertisements issued by a dealer on the*  
38 *license plate brackets.*

39 (3) As used in paragraph (2), "permanently affixed" means any  
40 of the following:

1 (A) Painted directly on the body of a motor vehicle.

2 (B) Applied as a decal on the body of a motor vehicle.

3 (C) Placed in a location on the body of a motor vehicle that was  
4 specifically designed by a vehicle manufacturer as defined in  
5 Section 672 and licensed pursuant to Section 11701, in compliance  
6 with both state and federal law or guidelines, for the express  
7 purpose of containing an advertising sign.

8 SEC. 4. Section 27314.5 of the Vehicle Code is repealed.

9 SEC. 5. Section 34601 of the Vehicle Code is amended to read:

10 34601. (a) As used in this division, “motor carrier of property”  
11 means any person who operates any commercial motor vehicle as  
12 defined in subdivision (c). “Motor carrier of property” does not  
13 include a household goods carrier, as defined in Section 5109 of  
14 the Public Utilities Code, a household goods carrier transporting  
15 used office, store, and institution furniture and fixtures under its  
16 household goods carrier permit pursuant to Section 5137 of the  
17 Public Utilities Code, persons providing only transportation of  
18 passengers, or a passenger stage corporation transporting baggage  
19 and express upon a passenger vehicle incidental to the  
20 transportation of passengers.

21 (b) As used in this division, “for-hire motor carrier of property”  
22 means a motor carrier of property as defined in subdivision (a)  
23 who transports property for compensation.

24 (c) (1) As used in this division, except as provided in paragraph  
25 (2), a “commercial motor vehicle” means any self-propelled vehicle  
26 listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500,  
27 any motortruck of two or more axles that is more than 10,000  
28 pounds gross vehicle weight rating, and any other motor vehicle  
29 used to transport property for compensation.

30 (2) As used in this division, “commercial motor vehicle” does  
31 not include any of the following:

32 (A) Vehicles identified in subdivision (f) of Section 34500, if  
33 the gross vehicle weight rating of the towing vehicle is 10,000  
34 pounds or less.

35 (B) Vehicles identified in subdivision (g) of Section 34500, if  
36 the hazardous material transportation does not require the display  
37 of placards under Section 27903, a license under Section 32000.5,  
38 or a hazardous waste transporter registration under Section 25163  
39 of the Health and Safety Code, and the vehicle is not operated in  
40 commercial use.

1 (C) Vehicles operated by a household goods carrier, as defined  
2 in Section 5109 of the Public Utilities Code, under the household  
3 goods carrier permit pursuant to Section 5137 of that code.

4 (D) Vehicles operated by a household goods carrier to transport  
5 used office, store, and institution furniture and fixtures under its  
6 household goods carrier permit pursuant to Section 5137 of the  
7 Public Utilities Code.

8 (E) Pickup trucks as defined in Section 471, if the conditions  
9 in subparagraphs (A) and (B) are also met.

10 (F) Two-axle daily rental trucks with a gross vehicle weight  
11 rating of less than 26,001 pounds, when operated in noncommercial  
12 use.

13 (G) Motortrucks or two-axle truck tractors, with a gross vehicle  
14 weight rating of less than 26,001 pounds, operated ~~singly, or when~~  
15 ~~used solely to tow a camp trailer, trailer coach, fifth-wheel travel~~  
16 ~~trailer, trailer designed to transport watercraft, or utility-trailer~~  
17 ~~never operated in commercial use.~~ *trailer.* Vehicle combinations  
18 described in this subparagraph are not subject to Section 27900,  
19 34501.12, or 34507.5.

20 (H) *Motor trucks or two-axle truck tractors, with a gross vehicle*  
21 *weight rating of less than 16,001 pounds, operated singly in*  
22 *noncommercial use.*

23 (d) For purposes of this chapter, “private carrier” means a motor  
24 carrier of property, who transports only his or her own property,  
25 including, but not limited to, the delivery of goods sold by that  
26 carrier.

27 *SEC. 6. Section 10952 of the Water Code is amended to read:*  
28 *10952. This part shall not apply to a self-service car wash; any*  
29 *of the following:*

30 *(a) A self-service car wash.*

31 *(b) A business primarily engaged as a dealer, lessor, or renter*  
32 *as defined in Division 1 (commencing with Section 100) of the*  
33 *Vehicle Code.*

34 *(c) A business primarily engaged as an automotive repair dealer,*  
35 *as defined in subdivision (a) of Section 9880.1 of the Business and*  
36 *Professions Code.*

37 ~~SEC. 6. Section 34622 of the Vehicle Code is amended to read:~~  
38 ~~34622. This chapter does not apply to any of the following:~~

39 ~~(a) Vehicles described in Section 5006 or 5011, and vehicles~~  
40 ~~that are exempt from vehicle registration fees.~~

~~(b) A household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code.~~

~~SEC. 7. Section 10950 of the Water Code is amended to read:~~

~~10950. The following definitions govern the construction of this part:~~

~~(a) "Commercial car wash" means an individual, partnership, corporation, limited liability company, joint venture, or association subject to the requirements of Part 8.5 (commencing with Section 2050) of Division 2 of the Labor Code.~~

~~(b) "Conveyor car wash" means a commercial car wash where the vehicle moves on a conveyor belt during the wash and the driver of the vehicle can remain in, or wait outside of, the vehicle.~~

~~(c) "In-bay car wash" means a commercial car wash where the driver pulls into a bay, parks the car, and the vehicle remains stationary while either a machine moves over the vehicle to clean it or one or more employees of the car wash clean the vehicle, instead of the vehicle moving through a tunnel.~~

~~(d) "Self-service car wash" means a commercial car wash where a customer washes his or her own car with spray wands and brushes.~~

~~(e) "Water recycling system" means a water system at the car wash that captures and reuses water previously used in wash or rinse cycles.~~